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In re Application of	:	
Klockseth et al.	:	DECISION ON
Application No. 09/367666	:	
PCT No.: PCT/AU98/00099	:	PETITION UNDER
Int. Filing Date: 18 February 1998	:	
Priority Date: 18 February 1997	:	37 CFR 1.47(a)
For: Pressure Compensating Valve	:	

This is a decision on the renewed petition under 37 CFR § 1.47(a) filed on 02 March 2001.

**DISCUSSION**

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Petitioner has satisfied requirements (1) and (4).

With respect to requirement (2), the renewed petition is accompanied by a letter from Peter Leonard to Chris O'Sullivan, stating that a copy of a declaration was forwarded to non-signing inventor Mr. Klockseth on 27 November 2000, and that he orally refused to sign the document on 11 December 2000. However, petitioner has not established that this refusal occurred after a complete copy of the application was transmitted to Mr. Klockseth, as required by 37 CFR 1.47. Accordingly, on the basis of the present record, it would not be appropriate to excuse the absence of Mr. Klockseth's signature.

With respect to Mr. Jervmo, the renewed petition indicated that a declaration was mailed to his last known address. The petition is accompanied by a "returned registered mailing" indicating that Mr. Jervmo was "unknown at address." This evidence establishes that Mr. Jervmo could not be found or reached after diligent effort within the meaning of 37 CFR 1.47.

With respect to requirement (3), the petition does not clearly indicate what Mr. Klockseth's last known address is, since it does not indicate whether the Corella Street address is in fact his last *known* address.

**DECISION**

For the reasons explained *supra*, the petition is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, DC 20231, with the contents of the letter marked to the attention of the PCT Legal Office.



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